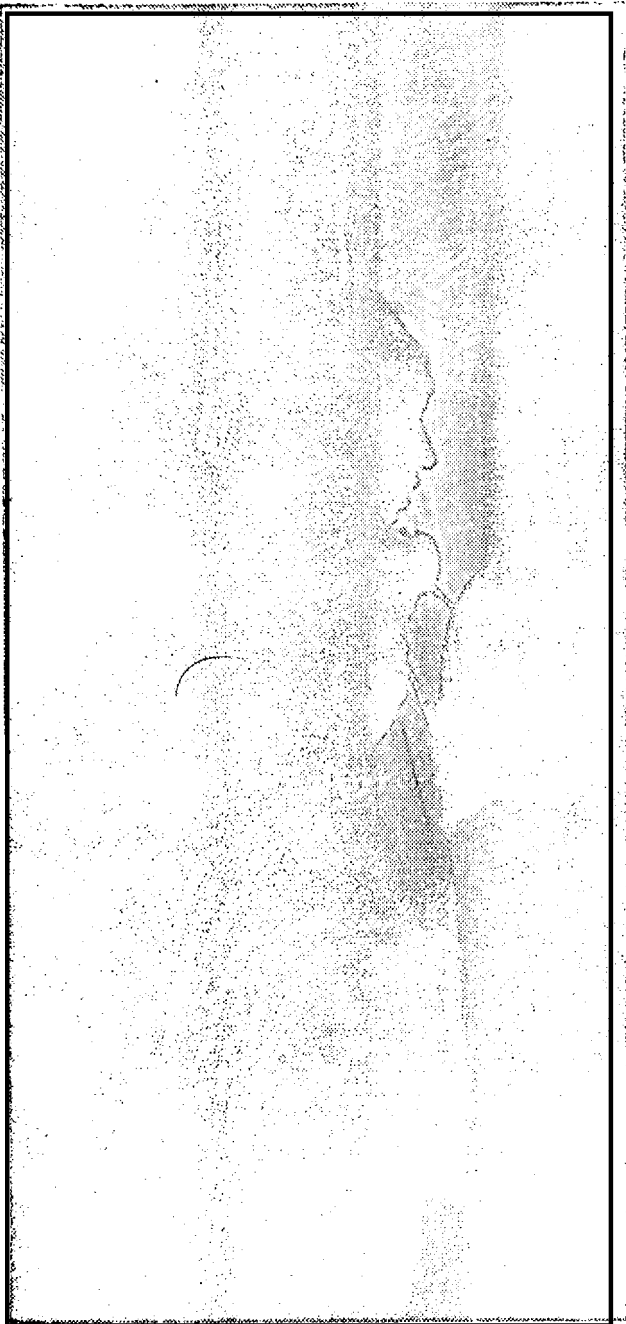


# Ben Barka Case Stirs the Press



Paris Match Photo

**OPERATOR**—Candid picture of Marcel Leroy, a secret operative in the French SEDCE, who was ousted after he acknowledged he had not told his superiors everything he knew about the Ben Barka case.

## Judge Suspended; Two Papers Charge Truth Suppression

By Waverley Root  
Washington Post Foreign Service

PARIS, Feb. 12—The Ben Barka case escalated again today.

A high French magistrate has been suspended and may face impeachment for criticizing the judicial investigation into the Oct. 29 kidnaping here of the Moroccan opposition leader, Mehdi Ben Barka, who

is feared to have been murdered.

Two reputable newspapers, one of which published the judge's criticisms, implied today that the authorities are trying to suppress the truth about the affair.

These developments came five days after top secret agent, Marcel Leroy, alias Finville, said he had not told his superiors what he knew about the kidnaping, which seems to have been almost everything.

Neither of the papers that attacked the handling of the case seemed convinced that the

scandal really stopped at Finville's level, already rather high.

One of the papers is the respected *Le Monde*, which disclosed today that its long-time legal writer, who signs his articles "Casamayor," is an important French magistrate who has been suspended as counselor to the Paris Appeals Court because of an article on the Ben Barka case published in *Le Monde* Feb. 9.

Publisher Hubert Beuve-Mery, in a signed front-page article, asked sarcastically: "Who still dares to pretend . . . that the representatives of order are protected . . . and that administrative punishments, when there are any, are slow to come?"

The Feb. 9 article criticized the speed with which the court quashed the inquiry into the death of Georges Figon, a former convict who was a leading figure in the case and supposedly committed suicide.

The probable reason for Casamayor's suspension may have been this paragraph: "In an affair of this importance, the master of the decision to quash a case is the Minister of Justice. He judged that he had to take this action. He certainly had good reasons—he or someone else."

Beuve-Mery did not disclose Casamayor's identity, but he is known to be Serge Fuster. Fuster's duties are defined by the Ministry of Justice, so it is not surprising that Justice Minister Jean Foyer felt that this observation by a subordinate called for a reaction. Fuster was presumably appointed with the assent of President de Gaulle; the French constitution makes the president responsible for naming magistrates of this rank.

Fuster holds a life appointment. His suspension therefore had to be decided by the superior Judiciary Council and must now be followed by a trial organized by that body. Seven of the country's highest magistrates and two law pro-

fessors will decide whether to reinstate Fuster, to revoke his appointment, or to warn or censure him.

Revocations of high magistrates are extremely rare—the last instance occurred under the wartime Vichy government—and warning or censure are even rarer. There have been none in this century.

The second newspaper that entered the fray today was the anti-Gaullist *Combat*, which caters to intellectuals. It took examining magistrate Louis Zollinger to task for not prying more deeply into the obscure activities of the Service of External Documentation and Counterespionage (SEDCE), the French equivalent of the CIA. Finville was an SEDCE agent.

The combat story was headed, "Judge Zollinger Should Empty the Swimming Pool." "Swimming pool" is slang for SEDCE headquarters at the Tourelles Barracks here. The reference presumably reflected Zollinger's failure thus far to question Daniel Pouget, an SEDCE agent who asserted that Finville—contrary to his own statement—had in fact kept his chiefs informed about the Ben Barka plot before the kidnaping. Pouget has offered to testify on this point.

*Combat* was also sarcastic about the fact that Gen. Paul Jacquier, removed as head of the SEDCE because of the Ben Barka affair, and Morvan, Finville's immediate chief, are both sick, while Finville has asked to be hospitalized for heart treatment.

"We have to remark that the search for truth is handicapped by the fragile health of witnesses or by their morbid tendency to self-destruction," *Combat* said.

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Paris Match Photo

PROBER—Magistrate Louis Zollinger, second from left, is questioned by newsmen as he leaves the house where George

Figon was found dead. Zollinger was assigned to investigate the Ben Barka case, and Figon was a central figure in the probe.

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VANISHED—Anti-monarchist Moroccan leader Mehdi Ben Barka, who was kidnaped in Paris on Oct. 29 and is believed to have been murdered.

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